IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Bheru Lal. Versus State of Rajasthan & ors.

S.B. Criminal Misc. Petition No. 710/2006
against the order judgment dated 12-4-2004
passed by Additional Sessions Judge- Special
Judge, SC/ST (Prevention of Atrocities) Act
Cases, Pratapgarh, in Cri. Appeal No.19/2004
(26/2003).

...

Date of Order: August 02, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Sandeep Bhandawat, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.

BY THE COURT:

By the instant criminal miscellaneous petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, "the Code" hereinafter), the petitioner seeks suspension of his conviction recorded by the Judicial Magistrate, Pratapgarh (for short, "the trial Court" hereinafter) vide judgment and order dated 16-6-2003 passed in Criminal Case No. 117/1993 for the offence under Section 498-A IPC. Against the judgment of the trial Court convicting and sentencing the petitioner, he preferred an appeal No. 19/2004(26/2003) before the Special Judge,

SC/ST (Prevention of Atrocities) Act Cases, Pratapgarh (for short, "the Appellate Court" hereinafter) and the Appellate Court, vide judgment and order dated 12-4-2004, affirmed the judgment and order passed by the trial Court. Against the judgment and order impugned passed by the Appellate Court, the petitioner filed S.B. Criminal Revision Petition No. 397/2004 under Section 397/401 of the Code, which is still pending. By the order dated 19-4-2004, this Court suspended the sentence awarded to the petitioner.

If the petitioner is still feels that apart from suspension of sentence, his conviction should also be suspended then it is always open for the petitioner to file an application before the Court in the aforesaid revision petition and not by way of a separate criminal miscellaneous petition under Section 482 of the Code.

Consequently, the criminal miscellaneous petition is dismissed.

(H.R. PANWAR), J.

mcs